



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,433	08/01/2001	Daniel P. Drogichen	5181-92400	6379
23516	7590	04/06/2006	EXAMINER	
CONLEY ROSE & TAYON, PC			PAN, DANIEL H	
700 LAVACA, SUITE 800			ART UNIT	
AUSTIN, TX 78701			PAPER NUMBER	

2183

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,433

Applicant(s)

DROGICHEN ET AL.

Examiner

Daniel Pan

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters; prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 18-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-13, 16, 18-26, 28-47, 50-55, 57 and 63 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 14, 15, 27, 48, 49 and 56, 58-62, 64-67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-67 remain for examination. Claims 1,10,12,34,40,50,53,63 have been amended. Claim 17 has been canceled.

2. Claims 40,50,53,63,57 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Pannu v. Sforz Instruments Inc.*, 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001); *Hesfer Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1 161 (Fed. Cir. 1997),. *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 , USPQ 289, 295 (Fed. Cir. 1984). A broadening aspect is present in the reissue which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to subject matter that applicant previously surrendered during the prosecution of the application. Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35 U.S.C. 251, and the broader scope surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action :

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 10-12, 16-20, , 23,,25, 28, 34, 35, 38,39, 40-46, 50, 53,54, 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Li et al. (5,473,599).

4. Claims 7, 22, 26, 29, 30,31-33, 47 rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (5,437,599) in view of Raab et al . (5,751 ,967) .

5. Claims 13, 36, 51 , 52,, are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (5,437,599) in view of Hardwick et al. (5,550,816).

6. As to the amended claims, the amended claims are directed to the language format and not affecting the scope of the claims presented previously.

7. The rejections are maintained and incorporated by reference the last Office action on 09/29/05.

8. The response filed on 01/03/06 has been fully considered but it is not persuasive.

9. In the remarks , applicant argued that :

a) the omitted feature of the "removable/replaceable" and the computer controller are not germane to the prior art rejection that led to the cancellation of the original filed claim 1 and amendment of originally filed claim 2;

Art Unit: 2183

b) the arguments in page 12 of the September 14, 1998 were made on relation to the control signal distributor limitation of claim 36.

c) Li did not teach multiprocessor computer;

d) no hardware domains in Li;

e) Li did not teach a system unit of a plurality of system units for a multiprocessor computer.

10. As to a) above, the omitted features of "removable/replaceable" and the computer controller are germane to the prior art rejection that led to the cancellation of the original filed claim 2. The "removable/replaceable" and the computer controller were the limitations of claim 1, among other limitations, which were allowed along with all other limitations in the amended claim 2. All limitations in combination in the amended claim 2 were indicated allowable, therefore, every limitation was germane to the prior art rejection. And, for this reason, the omitted features of "removable/replaceable" and the computer controller are germane to the prior art rejection.

11. As to b) above, in the page 12 of the September 14, 1998, applicant also argued that prior art was directed to hard-wired to all system units (see lines 9-15). Applicant's limitation of removable/replaceable was certainly not hard-wired. This agreement was used to overcome the prior art rejection. claim 34). Applicant had argued in substance

Art Unit: 2183

that the prior art was hardwired to all system units (see page 12 of applicant's response) while the patented claim included the system unit being individually physically removable and replaceable. Therefore, improper recapture exists.

12. As to c) above, Li taught at least two hosts (H1 and H2), Li also taught a LAN (see col.4, lines 7-9). Therefore, Li is directed to multiprocessor computer.

13. As to d), Li taught hardware domains (see how the R1-R7 divided in groups in fig.2b, col.7, lines 30-61) each comprising an arbitrary subset of said system units (routers) independently of any physical reconnection of system units within said computer (see how the active routers could be defined into a group in col.7, lines 30- 6).

14. As to e), see response in c) above.

15. Claims 8,9 , 48 , 49, 56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the combined features of the plurality of cluster registers each identifying which of said system units belong to a domain cluster, and responsive to a current one of said transactions, the connection for transmitting a valid-transaction signal to each of said system units in the common cluster for any of transactions originating from one of the system units belonging to the domain cluster.

16. Claims 14, 15 are objected to as being dependent upon a rejected base claim,

Art Unit: 2183

but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the combined features of the receiving third specification data defining a shared range of addresses physically present within one of the domains, and accessible to other domains within said cluster of domains', the loading the third data into the domain filter so as to render those of the system units within said cluster of domains responsive to addresses on the global address router originating from those of the system units within the cluster of domains but only within the shared range.

17. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the combined features of the plurality of said hardware domains into a domain cluster comprising the arbitrary subset of said domains independently of any physical reconnection of system units, the writable shared-memory mask register which of plurality of system units belong to the same domain cluster as one system unit, the comparator further coupled to the domain mask register for producing the inhibit when a source identifier indicated each address originated at certain of system units outside the same domain cluster.

18. Claims 58-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of

Art Unit: 2183

the base claim and any intervening claims. None of the prior art of record further teaches the combined detailed features of the connection for identifying which system unit generated the current address, the domain-mask registers, the gating logic.

19. Claims 64-67 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the combined detailed features of the identifying of the generated address, the specifying of the use of domain-mask, the decoupling of the system unit (claim 64), the identifying of which system unit belongs using the plurality of cluster registers responsive to the current transaction, the transmission of valid-transaction signal to each system unit belonging to a given cluster for any transaction originating from the system unit belonging to the given cluster.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2183

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

DANIEL H. PAN
PRIMARY EXAMINER
GROUP